

REMARKS

Claims 1-27 are pending in the Application. Claims 18-25 have been amended to comply with the Office Action. Applicant notes that no specific rejection of claims 20-22 is in the Office Action. Applicant requests that claims 20-22 be examined. Reconsideration and allowance of Application based on the amendments and the following remarks are respectfully requested.

Claim Rejections under 35 U.S.C. § 101

Claims 18-25 are rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Claims 18-25 have been amended to comply with the Office Action by changing “system” to “apparatus.” At least because of the amendment, Applicant contends that claims 18-25 are statutory.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Modeste et. al U.S. App. 2003/0056012 (“Modeste”) in view of Cohen U.S. Pat 7,127,679 (“Cohen”). Applicant respectfully traverses the rejections in view of the following arguments.

The Office Action on page 3 asserts that the limitation of claim 1 “downloading corresponding control programs using the added new control menu” is taught in Cohen at Abstract, claim 1, and column 14, lines 8-12. Applicant respectfully disagrees. Cohen does not teach or suggest “downloading corresponding control programs using the added new control menu.” Cohen teaches “Selecting menu item 35c enables the user to import a new menu database from a memory storage device ...from the Internet.” (Cohen, column 14, 8-12). In Cohen, the entire database is being imported at once, and menu item 35c is not “the added new control menu” of claim 1 of the Application, but rather an existing menu item from the “Menu Manager function.” (Cohen, column 13, lines 66-67). “The added new control menu” of claim 1 of the Application refers to the previous limitation of claim 1 of “ascertaining whether or not a new control menu exists by using the Internet...downloading the new control menu.” Therefore, in claim 1 of Application, the newly downloaded menu item is being used to download the control program. Cohen uses an existing menu item. (Cohen, column 13, lines 66-67).

Therefore, Applicant contends that Cohen does not teach or suggest “downloading corresponding control programs using the added new control menu.”

Further, the Office Action states on page 3 that one skilled in the art would have been motivated to combine Cohen with Modeste in order to upgrade the control menus and programs of the network. Applicant respectfully disagrees. The proposed modification would change the principle of operation of Modeste. Cohen operates by: “Menus are created that facilitate access to data in a menu database.” (Cohen, Abstract). But, the menus in Modeste are used to access installed devices by invoking programs. (Modeste, Abstract). Further, the menus in Cohen are a database of menus, where there is no database of menus in Modeste. (See Cohen at column 14, lines 8-12, “enables the user to import a new menu database”). The principle in Modeste is a menu that invokes a program to control a device. (Modeste, Abstract). The principle in Cohen is a database of menus to access data in a database. (Cohen, Abstract). Therefore, Applicant contends that the combination of Modeste with Cohen would require a change in the principle of operation of the menus in Modeste. “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.” (In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) and MPEP 2143.01VI). For the above reasons, Applicant respectfully contends that one skilled in the art would not have been motivated to combine Modeste and Cohen.

Because claims 7, 10, 14, 18, 19, and 23 contain similar limitations and because claims 2-6, 8-9, 11-13, 15-17, and 24-25, depend respectfully on claims 1, 7, 10, 14, 18, 19, 23, the rejections of these claims are traversed for similar reasons.

Further in regards to claim 27, the Office Action on page 7 states that the limitation of claim 27 “wherein the plurality of equipments download through the Internet network the control programs for other equipments as well as their own control programs” is taught at Cohen, column 13, lines 62-67. Applicant respectfully disagrees. Cohen teaches “Selecting menu item 29h enables a user to change to a different menu database.” (Cohen, column 13, lines 62-67). In Cohen, there is no “plurality of equipments” of claim 27, and Cohen does not teach or suggest the limitation of claim 27 “download ...control program for other equipments.” “Other equipments” of claim 27 is not taught or suggested in Cohen. Therefore, Applicant contends that the limitation of claim 27 “wherein the plurality of equipments download through the Internet

network the control programs for other equipment as well as their own control programs” is not taught or suggested by Cohen.

Additionally, because claim 28 depends on claim 27, and at least because claim 26 contains the limitation “plurality of equipments,” Applicant respectfully traverses the rejections for claims 28 and 26.

CONCLUSION

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is solicited.

Should any questions remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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